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**FILED**

**MAY 21 2014**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS & MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

In the matter of the Request for Agency Action of NEWFIELD PRODUCTION COMPANY for an order pooling all interests in five drilling units established by the Board's Orders entered in Cause Nos. 139-8 and 139-90 in sections 7, 9, and 28, Township 3 South, Range 2 West, and Sections 8 and 12, Township 3 South, Range 3 West, U.S.M. Duchesne County, Utah

In the matter of the Request for Agency Action of NEWFIELD PRODUCTION COMPANY for an order amending the Board's order entered in Cause No. 139-90 to provide for retroactive application to the respective dates of first production from the drilling units established thereunder comprised of Section 28, Township 3 South, Range 2 West, U.S.M., and Section 12 of Township 3 South, Range 3 West, U.S.M., Duchesne County, Utah

**Utah Division of Oil, Gas and  
Mining's Reply Memorandum  
and  
Withdrawal of its Opposition to  
Retroactive Spacing and Pooling**

Docket No. 2014-010  
Cause No. 139-115

Docket No. 2014-017  
Cause No. 139-116

The Utah Division of Oil, Gas and Mining (“**Division**”) submits the following Withdrawal of Opposition to Retroactive Spacing and Pooling and its Reply to Newfield Production Company’s (“**Petitioner**”) Memorandum of Points and Authorities, which was submitted on May 12, 2014 to the Utah Board of Oil, Gas and Mining.

## **INTRODUCTION**

After reviewing Newfield’s Memorandum of Points and Authorities, the Division has determined to withdraw its objection to retroactive application of the spacing order to the date of first production as requested. Division agrees that Rule R649-3-4(8), which prohibits approval of an APD on lands that are subject to a filed spacing request, has the effect of nullifying the Rule of Capture as soon as the request has been filed with the Board. Because the first dates of production of the Nickerson and Odekirk wells occurred after the *filing date of the original request for spacing* of the subject lands, the Division also agrees that approving the request for retroactive spacing and force pooling in this matter does not violate the *Cowling* prohibition against retroactive pooling. *Cowling v. Bd. of Oil, Gas and Mining*, 830 P.2d 220 (Utah 1991).

Assuming the Board finds that *Cowling* allows an order providing for retroactive pooling to the filing date of the spacing request, then the Board need not consider and decide the other questions of law that are addressed in the Briefs filed by the Division and Petitioner. Specifically, the Board need not decide in this case if federal law and the regulations applicable to approval of a Communitization Agreement (CA) by the Bureau of Indian Affairs (BIA) requires a spacing order to be retroactive to the date of first production. The Division does not

agree with the arguments set forth by Petitioner; both as to whether the BIA regulations require retroactive spacing or pooling in this case; and if the regulations do, what effect such an interpretation of the BIA's rules should have on the Board's obligations to establish spacing consistent with the Utah Oil and Gas Conservation Act. The potential conflict between the BIA's rules and its obligations to Indian mineral owners, and the Board's statutory obligations to prevent waste, maximize production, and to protect correlative rights (including vested rights under the Rule of Capture) presents significant questions of law that are not easily resolved. Such issues should not be addressed in any advisory way if a decision on those questions is not necessary to resolve this consolidated Request. In addition, although the parties have briefed many issues in detail, there are constitutional and jurisdictional questions that have only been raised recently as a result of the Petitioner's arguments and that may require further briefing and argument depending on the facts presented. If inquiry into those issues is not be necessary, it would be ill advised for the Board to decide such questions. If inquiry is found to be appropriate, further briefing will be needed.

This Memorandum will briefly address the application of Rule R649-3-4(8) to these facts and explain why the Division finds the limited retroactive effective date of the Request to be consistent with the law under *Cowling*. The memorandum will also briefly identify the scope of the issues left unresolved by the Petitioner's argument regarding the application of the BIA regulations.

## **DISCUSSION**

### **I. Allowing the pooling order to be retroactive to the date of the filing of the spacing request is consistent with the *Cowling* court’s interpretation of the Oil and Gas Conservation Act.**

The prohibition against retroactive pooling as set forth in *Cowling*, is based on an analysis of the Utah Oil and Gas Conservation Act and the applicable rules. The Court reversed Board and District Court orders that had provided for a pooling order to be retroactive to the date of first production and held:

the rule is that a pooling order should be effective no earlier than the date of a spacing order, unless there are special circumstances which would make it just and equitable for an order to be retroactive to protect correlative rights established by the Act from inequitable or overreaching conduct.

*Id.* at 229

Although the court said the date of a spacing order was the effective date for pooling order absent some inequitable conduct, the rational for choosing that date was based in part on the court’s view that “an owner’s failure to take action to establish and protect his or her interest in production prior to the entry of a spacing order constitutes a waiver of that interests until a drilling unit is established.” *Id.* at 228. (citations omitted). In reaching this conclusion, the court rejected the claim by Celsius (the party seeking retroactive the pooling order) that they were precluded by the existing statewide well-siting rule from locating a well in the spaced lands. The court expressly found that this was not the case, but that in fact Celsius could have sought approval of an exception location, and that in any event the general siting rule “did not wholly

nullify the rule of capture . . . and does not establish a basis for defining legal interests in a pool.”

*Id.* at 228.

At the time the *Cowling* case was decided by the Board and District Court and appealed to the Utah Supreme Court, the oil and gas rules did not include the current Rule R649-3-4(8) or an equivalent. This rule provides:

An APD [Application for Permit to Drill] for a well within the area covered by a proper Request for Agency Action that has been filed . . . for the establishment of drilling units or the revision of existing drilling units for the spacing of wells ***shall be held in abeyance by the division until such time as the matter has been noticed fully heard and determined.***”

Utah Admin. Code. R. R649-3-4(8) (2012) (emphasis added).

This rule nullifies the Rule of Capture by foreclosing the right to drill an offset well in the area proposed for spacing during the relatively short time between the filing of a Request for spacing, and the entry of a spacing order. The rule fulfills the Act’s purpose of preventing waste by precluding the drilling of unnecessary wells, assuming spacing is approved as requested. The rule would also protect correlative rights so long as the spacing order is made effective to the date of the filing of the request—i.e., the date when drilling was precluded. This rule is not like the general siting rule exception that was rejected by the court in *Cowling* as a basis for retroactive pooling order. First, it is of limited duration rather than of a potentially unlimited duration. Secondly it is paired with the spacing process and is part of the basis used to define legal interests in a pool with the purpose of preserving the status quo pending the hearing of a spacing request. *Id.* at 228.

Rule R649-3-4(9) provides for exceptions to Rule R649-3-4(8)'s hold on APD's pending a spacing hearing, and so it could be argued that the right to drill is "not wholly nullified." *Id.* at 228. However, the listed exceptions only allow drilling to prevent a breach of an existing contract to drill, R649-3-4(9.1), or to prevent termination of a valid lease, R649-3-4(9.2). These exceptions are limited to circumstances where a refusal to approve an APD would interfere with rights and obligations formed by contract or lease. When these exceptions are not required, correlative rights can be protected by allowing the pooling order to relate back to the filing date of the request for spacing, which nullified the Rule of Capture. Therefore, Rule R649-3-4(8), even with the exceptions, protect correlative rights. The application of these Rules is consistent with the facts and rational of *Cowling*.

**II. The BIA Rules do not require state pooling and spacing orders to be retroactive to the date of first production, and even if they did the Board cannot conform its orders to accommodate such a requirement.**

The Division has previously filed its objections to the Petitioner's argument that the Bureau of Indian Affairs rules require that state spacing and pooling orders applicable to owners of Indian minerals must be retroactive to the date of first production. The Petitioner's Brief overstates the duty to look to the best interest of the owners of the Indian minerals and fails to consider the provisions in the same rules that require the BIA to recognize and accommodate the principles of protecting correlative rights and the rule of capture. Bureau of Indian Affairs, Fluid Mineral Estate: Procedural Handbook 47 (2012) ("Ensure that the economic effects of the agreement are in the best interest of the Indian mineral owner(s) and document these effects.

***This documentation must recognize*** correlative rights and ***the right of capture***, so the best interest of the Indian mineral owner(s) may require accepting a smaller bonus or royalty if the economics of the project require these concessions or *if drainage is occurring.*" (emphases added)). The Division will make its arguments in response at the hearing if needed.

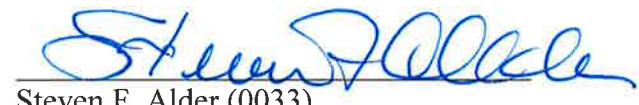
However, neither the Division nor the Petitioner has addressed the consequences of the argument that the BIA rules may require spacing to be retroactive to the date of first production. The Board must consider that under *Cowling* and the Utah Act, the Rule of Capture is recognized, and a mineral owner has a vested right in oil and gas produced before the nullification of the Rule of Capture. The ability to adjust the effective date of a pooling order to the date before the Rule-of-Capture nullification is limited to circumstances where the operator engaged in inequitable conduct. The Court has plainly rejected the argument that the application of the rule of capture is itself sufficient to invoke the just and equitable exception, *id.* at 229, or the "just and reasonable" clause in section 40-6-6.5 of the Utah Code.

The Board is not bound by federal rules governing tribal minerals, and should only consider its statutory mandates. Likewise the BIA is not obligated to accept the Board's determination and as a federal agency with federal and trust obligations, must adhere to its statutes. Thus, the Board could easily be in a position where there are not equitable reasons to provide for retroactive pooling or spacing, and must deny such a request or cause a taking of a vested property right. The BIA may choose not to approve the CA. The Board should not consider the argument that the BIA regulations require pooling or spacing except as it weighs its obligations to avoid waste, maximize production, and protect correlative rights. At this time

there is not sufficient information from the operator, owner, and BIA for the Board to make that determination.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of May, 2014.

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **Reply Memorandum and Withdrawal of Opposition** for Docket No. 2014-010, Cause No. 139-115, and Docket No. 2014-017, Cause No. 139-116 to be mailed by Email or via First Class Mail with postage prepaid, this 22nd day of May, 2014, to the following:

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Midland, TX 79705-6461

Pat Wells  
2895 S Florence Cir.  
Salt Lake City, UT 84109-2101

Peggy J Webster Wilson  
PO Box 52467  
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Quirt Energy Resources LLC  
PO Box 129  
Emmetsburg, IA 50536

Ray and Donna West Living Trust  
Earl Ray and Donna F West TTEES  
3107 Metz Dr.  
Midland, TX 79701

Richard C Odekirk  
8902 SW Van Olinda Rd.  
Vashon, WA 98070-3923

Richard Frank Fairbanks Estate  
5155 W Oak Point Drive  
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Richard R Odekirk  
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Robert Alan Lawson  
PO Box 695  
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Robert L Fairbanks  
c/o Sheryl Poulsen  
7190 S 2870 E  
Salt Lake City, UT 84121-4212

Roberta Ann Atteridge Wofford  
7775 SE Blakeview Dr.  
Port Orchard, WA 98366-8515

Roxann Fairbanks Forbush  
1686 E Ensign PL  
Cottonwood Heights, UT 84121-4703

Rueben C Iverson  
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Russell Wayne Odekirk  
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Gardnerville, NV 89410-7070

Scott Benson  
112 John St.  
Chippewa Falls, WI 54729-1323

Sharon Odekirk  
1383 Laird Avenue  
Salt Lake City, UT 84105  
[Undeliverable ]

Sparks Tax Free Trust  
Nancy K and David Alan Sparks Co-TTEES  
4305 N Garfield, Ste. 244  
Midland, TX 79705  
**[Address Updated 2-11-14]**

Rinda Colleen Romney  
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12410 Overcrest Dr., Apt 1  
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Ruden Oil Company  
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Rulon B and Mary Lynn F Burningham TR  
Mary Lynn Burningham TTEE  
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Ruth Ellen Riggs  
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Seguro Investments LLC  
6001 W Industrial Ave.  
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Sheri Woolley  
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Lands Administration  
LaVonne Garrison  
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Salt Lake City, UT 84102-2818

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Suzanne Kirk Hawker  
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Salt Lake City, UT 84108

Teaonna Morton  
Shantel Hurd Morton Guardian  
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Terese L. Hansen  
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Unitex Holdings LLC  
310 W Wall St., Suite 503  
Midland, TX 79701

Ute Tribe of Uintah and Ouray Indian  
Reservation  
Box 190  
Ft. Duchesne, UT 84026  
[Address Updated 2/27/14]

Steven Jay Lawson  
9350 Four Wheel Dr.  
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Susann Marie Hanson Nettleton  
805 Hickory Dr.  
Choctaw, OK 73020-6986

Tamra L. Hughes  
13831 37<sup>th</sup> Ave. S  
Tukwila, WA 98168-4011

Ted & Denise Fairbanks TR DTD  
11/23/99  
Sterling & Denise Fairbanks TTEES  
1250 Nenneley Road  
Paradise, CA 95969

Teri Marek  
62 Baldwin Lane  
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Theodore R. Evans Trust B UWD 4/25/97  
David R. Evans, TTEE  
765 Blue Creek Rd.  
Clarkesville, GA 30523

Thomas M Weinerth  
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Lasqueti Is BC V0R 2J0  
Canada

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**Van Celaya**  
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[Undeliverable]

Veleda C Wells  
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McKinnon, WY 82938  
**[Undeliverable]**

Wanda Wollum  
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Laguna Woods, CA 92637-6919

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Gerald J Hertel TTEE  
Van T Tettleton AIF  
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188 S 800 E  
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Rodney Alan Knight  
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Michael Gallagher  
PO Box 23  
Manson, WA 98831

Heirs of Varge Celaya  
c/o Lisa Celaya Prewett  
120 Juniper Ave  
Atwater, CA 95301

Heirs of Varge Celaya  
c/o Jessica Celaya Roberts  
6648 W 10030 N  
Highland, UT 84003

Heirs of Varge Celaya  
c/o Lance Martin Celaya  
9600 Forest Lane, #1102  
Dallas, TX 75243

Vicki Jo Parmentier  
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Warren Fairbanks Kirk  
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William H Odekirk  
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Kent, WA 98030

Steven Douglas Knight  
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Scott Knight  
13775 W. Baltic Drive  
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Heirs of Marjorie Iverson  
c/o Becky J. Stauffer  
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Heirs of Varge Celaya  
c/o Varge Anthony George Celaya  
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Heirs of Varge Celaya  
c/o Jason Wayne Celaya  
486 W Pacific Dr., #3  
American Fork, UT 84003

Heirs of Varge Celaya  
c/o Adam Lorr Celaya  
663 Stadium Ave  
Provo, UT 84604

Heirs of Varge Celaya  
c/o Chelsea Celaya Bell  
1202 Sun River Dr.  
Riverton, UT 84065

Alfred Mark Fairbanks  
SE 1410 Bishop Blvd.  
Pullman, WA 99163

Heirs of Daniel Wollum  
Unlocatable

James Dean Fairbanks  
Unlocatable

Red Cap 2-8-3-3WH

Bia Uintah and Ouray Agency  
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**[Undeliverable]**

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Brent Mullins  
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Sharlee Glenn  
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Gayle Glenn Gilbert  
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Heirs of Varge Celaya  
c/o Jillian Celaya Harding  
436 E Blaine Ave  
Salt Lake City, UT 84115

Heirs of Joanne Highsmith  
c/o Suzan Kedzie  
720 N Jackson St.  
Clinton, IL 61727

Leslie Marie Hunting  
Unlocatable

Bertha Dean Fairbanks  
Unlocatable

Crescent Point Energy U.S. Corp.  
Attn: Ryan Waller  
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Denver, CO 80202

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Marilyn J Holgate  
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Altex Oil Corporation  
PO Box 1057  
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Venice N Mecham  
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Reay Family Trust DTD 12/19/2008  
13037 S Quincee Ct.  
Riverton, UT 84065-1805

Robert F Reay  
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Ladonna Zeller  
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Lisa Webb  
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Roy Glen Reay  
6232 S 9000 E  
Jensen, UT 84035

Lana Massey  
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**[Undeliverable]**

Nicholas R Reay  
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South Jordan, UT 84095-9391

Jake Allen Reay  
9956 Orchard View Dr.  
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Bret Mace  
140 W 1400 S  
Perry, UT 84302-4185

Janace Nelson  
2570 S 900 W  
Perry, UT 84302-4162  
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Diona Perry  
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**[Address updated 2/6/14]**

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Bill Young  
936 Stringtown Rd.  
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Scarlett Frost  
520 Hwy 469 N  
Florence, MS 39073-8958  
**[Undeliverable]**

David William Hacking  
PO Box 1181  
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Melanie Harrington  
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Clay N Hacking  
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Dru O Nielson  
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Craig, CO 81625-9602

Rhett T Rasmussen  
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Karl Ray Jensen  
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Denim Roberts  
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5851 San Felipe St., Ste 760  
Houston, TX 77057-8015

Keystone Oil & Gas LLC  
950 S Garfield St.  
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UT 14-9-3-2W

Alan L. Miller  
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Ivins, UT 84738-6693  
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Allen Gines, IND and Agent/AIF for Estate of  
Myrle Gines and Jerry N Gines  
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Logan, UT 84321

Antelope ORRI, LLC  
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The Woodlands, TX 77380

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Berry Smith  
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Loveland, CO 80537

Beth T. Spackman  
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Calgary AB T2Y 2V9

Brigham Young University  
c/o Mineral Development Office  
PO Box 7188 University Station  
Provo, UT 84602

Carolyn G. Campbell  
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Salt Lake City, UT 84121

Claudia Pat Ross  
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**[Address updated 2/5/2014]**

Corp. of the Presiding Bishop of the Church of  
Jesus Christ of Latter-Day Saints, a Utah Corp.  
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Craig Macfarlane  
509 S. Walnut St.  
Boise, ID 83712

Dan Moritz  
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Flagstaff, AZ 86001

Daniel Sam and Sandra Sam  
751-1 North State Road 149  
Valparaiso, IN 46385

DeAnn Thomason  
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Derry Ann Moritz  
1515 Shasta Dr., #4103  
Davis, CA 95616

Emmy Blechmann  
Box 184  
Sun Valley, ID 83353

Estate of Agnes Smith Knapp  
c/o Carol Jean Knapp Barney  
1531 W. Cherokee Lane  
Stafford, AZ 85446  
**[Undeliverable]**

Estate of Agnes Smith Knapp  
c/o Maradel Knapp Brown  
2064 W. Washington Ave  
Gilbert, AZ 85234

Estate of Agnes Smith Knapp  
c/o Erick Knapp

Estate of Agnes Smith Knapp  
c/o Frank Knapp  
646 N. 1580  
Lehi, UT 84043

Address Unknown

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Skyler Smith

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Kelly Smith

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Nolan Smith

Unknown

Unknown

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Doran Smith

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Lance Smith

Unknown

Unknown

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Carlan Smith

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Merrilee Smith

Unknown

Unknown

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Rawlo Smith

Estate of Henry A. Smith  
c/o Deril Smith  
1616 W. Paradise Lane  
Salt Lake City, UT 84123

Unknown

Estate of Ruth Doxey  
c/o Tom Walker

Estate of Jessie Hutchings Maxwell,  
Marilyn Miller Administrator  
3591 S. Alta Vista  
Salt Lake City, UT 84106  
**[Undeliverable ]**

Address Unknown

Estate of Ruth Doxey  
c/o Wayne Walker  
1576 Evergreen Hill S.W.  
Calgary AB T2Y 2R7  
Canada  
**[Address updated 2/24/2014]**

Estate of Zola T. Rhodes  
c/o David Rhodes

Address Unknown

Estate of Zola T. Rhodes  
c/o Daniel Rhodes

Address Unknown

Estate of Zola R. Rhodes  
c/o Nancy Rhodes

Address Unknown

Gwen Stone Drollinger  
1086 American Beauty Drive  
Salt Lake City, Utah 84117  
**[Undeliverable]**

Heir of Ernan Smith  
c/o Dawn Smith Soger

Address Unknown

Heir of Ernan Smith  
c/o Mary Ann Arrington  
5000 S. 1900 W., Unit 40  
Roy, UT 84067

Isabelle T. Jensen  
720 Three Fountains Drive, Unit 78  
Murray, UT 84107

Estate of Ruth Doxey  
c/o Carolyn Olsen

Address Unknown

Estate of Zola T. Rhodes  
c/o Peggy Rhodes

Address Unknown

Estate of Zola T. Rhodes  
c/o Doug Rhodes

Address Unknown

Gordon Barth Stone, IND & AIF for Dorothy  
Stone  
Est, Et al

Address Unknown

Harriett Sam  
1327 East Castlecrest Dr.  
Visalia, CA 93292  
**[Deceased]**

Heir of Ernan Smith  
c/o Shirley Marie Chapman  
1279 E. 600 North Circle N  
American Fork, UT 84003  
**[Undeliverable]**

Helen T. Beaton  
3850 E Tanglewood Dr  
Phoenix AZ 85048-7302  
**[Address updated 4/1/2014]**

Jacqueline Dunigan  
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Jacqueline R. Eckhardt  
3764 Rouge River Hwy, Spc. #B  
[Undeliverable]

James F. Lemon & LaDonna N. Lemon  
Route #2 Box 51  
Roosevelt, UT 84066  
[Undeliverable ]

James N. Lemon  
PO Box 99  
Roosevelt, UT 84066

Jamie Zimmerman  
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Jay Randall Russell  
12537 Chicken Dinner Road  
Caldwell, ID 83607

Jesse Pederson  
387 West 500 North  
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[Undeliverable]

John R. Zackrison  
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[Undeliverable]

Joseph Sam and Frances Sam  
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Keith D Goates  
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Kihmn Carter  
294 Whispering Pines Dr.  
Hope, ID 83836  
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James E Anderson  
15304 Willowbrook Lane  
Morrison, CO 80465

James L. Anderson  
90118 Barton Creek Dr.  
Eagle Mountain, UT 84005  
[Undeliverable]

James Patrick Ellis and Helen Mari Ellis  
434 Fir Avenue, Apt. #2  
Estes Park, CO 80517

Janet Lorraine Russell Collett  
1121B East 2900  
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Jerry K. Lemon  
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John Lane  
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Kechum, ID 83340

John Walker  
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June J. Anderson  
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Laura Macfarlane  
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Lawton Oil & Gas II LLC  
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**[Undeliverable]**

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Lynn Lemon  
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M. Richard Walker, Trustee  
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**[Undeliverable]**

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Mary M. Jackson  
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Lee Stone  
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**[Undeliverable]**

Lennon Becky Smith  
1118 Sheila Lane  
Pacifica, CA 94044

Linda L. Davis  
3603 Elwood Circle  
Salt Lake City, UT 84106

Lyle E. Lemon  
2976 E 1480 S  
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**[Address updated 2/5/2014]**

M&P Family Revocable Trust, Max James  
Patry & Patsy Patry, Trustees  
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Mary H Goates  
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Nancy Jones  
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Lonnie R. Oman  
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Mapleton, UT 84664-5305

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Patricia C. Lane  
PO Box 829  
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[Undeliverable]

Patricia Mae Kress  
PO Box 2899  
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Pearl Davis Reay, Trustee  
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Ashton, ID 83420

Peggy Lemon  
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Raili Hintze  
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Ronald L. Schneider  
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Rozel Smith Wooley  
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Highland, UT 84003

Sharlyne Tefteller  
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[Undeliverable]

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Talmag, UT 87073

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Whitney, TX 76692

Suzanne Weaver  
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Telitha H. Giesler  
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Theodora Jane Cocagne  
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Tyler Yost  
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Ute Tribe of Uintah and Ouray Indian Reservation  
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**[Address Updated 2/27/14]**

Virginia Menlove  
Pers Rep of Richard D Ruckenbrod Est.  
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William M. Moore  
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Midvale, UT 84047

DOI-ONRR BIA Uintah/Ouray Agcy. (126692)  
J YUMPUTS 687 MUNC539 BIA 5996  
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**[Undeliverable]**

DOI-ONRR BIA Uintah/Ouray Agcy. (126696)  
Poker Jack 687 MUNC561 BIA 5968  
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Denver, CO 80217-5810  
**[Undeliverable]**

DOI-ONRR BIA Uintah/Ouray Agcy (126721)  
ARRAPPO Heirs 687 MUNC175-C BIA 6177  
PO Box 5810  
Denver, CO 80217-5810  
**[Undeliverable]**

DOI-ONRR BIA Uintah/Ouray Agcy (127610)  
ARRAPPO 687 MUNC 208 BIA 5941  
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**[Undeliverable]**

To-Put-Che-Ar  
13-12-3-3W

Alfred Lynn Fairbanks  
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Alice Wilcox  
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Allison Kirk Dale  
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Alvina Hulbert Horton  
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Anna Beth Magee  
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Annette Kirk Horman  
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Beverly Stern  
Jacqueline Roberts AIF  
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BIA Uintah and Ouray Agency  
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UNC 200-C BIA 6244  
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Cathy Schumacher  
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Charles R Tierce  
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Curtis Benson  
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Pototan 5008  
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Earl Ray and Donna F West TTEES  
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Vashon, WA 98070-3923

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Richard D Odekirk  
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112 John St  
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Sharon Odekirk  
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Nancy K and David Alan Sparks CO-TTEES  
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Rulon B and Mary Lynn F Burningham TR  
Mary Lynn Burningham TTEE  
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Nibley, UT 84321-6340

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Lands Administration  
LaVonne Garrison  
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Shantel Hurd-Morton Guardian  
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DTD 11/23/99  
Sterling & Denise Fairbanks TTEES  
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Paradise, CA 95969

Teri Marek  
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UWD 4/25/97  
David R. Evans, TTEE  
765 Blue Creek Rd  
Clarkesville, GA 30523

Thomas M Weinerth  
777 Mine Road  
Lasqueti IS BC V0R 2J0  
CANADA

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PO Box 696  
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**[Address updated 2/5/2014]**  
**[Undeliverable]**

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Gerald J Hertel TTEE  
Van T Tettleton AIF  
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TO-PUT-CHE-AR 687  
MUNC 200-D BIA 6038  
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Rodney Alan Knight  
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Michael Gallagher  
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Heirs of Varge Celaya  
c/o Lisa Celaya Prewett  
120 Juniper Ave  
Atwater, CA 95301

Heirs of Varge Celaya  
c/o Jessica Celaya Roberts  
6648 W 10030 N  
Highland, UT 84003

Heirs of Varge Celaya  
c/o Lance Martin Celaya  
9600 Forest Lane #1102  
Dallas, TX 75243

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Steven Douglas Knight  
20695 East Ida Circle  
Aurora, CO 80015

Scott Knight  
13775 W. Baltic Drive  
Lakewood, CO 80228

Heirs of Marjorie Iverson  
c/o Becky J. Stauffer  
PO Box 24  
Lewisville, MN 56060-0024  
**[Address Updated 2-11-14]**

Heirs of Varge Celaya  
Varge Anthony George Celaya  
c/o Becky J. Stauffer  
PO Box 24  
Lewisville, MN 56060-0024  
**[Address Updated 2/11/14]**

Heirs of Varge Celaya  
c/o Jason Wayne Celaya  
486 W Pacific Dr #3  
American Fork, UT 84003

Heirs of Varge Celaya  
c/o Adam Lorr Celaya  
663 Stadium Ave  
Provo, UT 84604

Heirs of Varge Celaya  
c/o Chelsea Celaya Bell  
1202 Sun River Dr  
Riverton, UT 84065

Alfred Mark Fairbanks  
SE 1410 Bishop Blvd  
Pullman, WA 99163

Heirs of Daniel Wollum

Unlocatable

James Dean Fairbanks

Unlocatable

UT 6-7-3-2W

**[Undeliverable]**

Alan Moritz  
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Calgary AB T2Y 2V9

Brigham Young University  
c/o Mineral Development  
P.O. Box 7188 University  
Provo, UT 84602

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11857 Holly Street  
Grand Terrace, CA 92313

Heirs of Varge Celaya  
c/o Jillian Celaya Harding  
436 E Blaine Ave  
Salt Lake City, UT 84115

Heirs of Joanne Highsmith  
c/o Suzan Kedzie  
720 N Jackson St  
Clinton, IL 61727

Leslie Marie Hunting

Unlocatable

Bertha Dean Fairbanks

Unlocatable

Alan Miller  
6331 Hathaway Street  
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Antelope ORRI, LLC  
2441 High Timbers Suite 120  
The Woodlands, TX 77380

Berry Smith  
265 Scenic Drive  
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Salt Lake City, UT 84101-1434  
**[Address updated 2/5/2014]**

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Cloyd D. Goates Estate  
Mary H. Goates & Keith D. Goates,  
Co-Personal Reps  
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West Jordan, UT 84084

Cloyd D. Goates Estate  
c/o Carolyn G. Campbell  
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E. Leon Sprouse  
PO Box 315  
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Estate of Agnes Smith Knapp  
c/o Carol Jean Knapp Barney  
1531 W. Cherokee Lane  
Stafford, AZ 85446  
**[Undeliverable]**

Estate of Agnes Smith Knapp  
c/o Erick Knapp

UNKNOWN

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Skyler Smith

UNKNOWN

Cloyd D. Goates Estate  
c/o Linda L. Davis  
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Craig Macfarlane  
409 S. Walnut St.  
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**[Undeliverable]**

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1515 Shasta Drive #4103  
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Estate of Agnes Smith Knapp  
c/o Maradel Knapp Brown  
2064 E. Washington Ave  
Gilbert, AZ 85234

Estate of Agnes Smith Knapp  
c/o Frank Knapp  
646 N. 1580  
Lehi, UT 84043

Estate of Ernan H. Smith, Heirs of Renee Smith  
c/o Kelly Smith

UNKNOWN

Estate of Ernan H. Smith, Heirs of Renee Smith c/o Nolan Smith	Estate of Ernan H. Smith, Heirs of Renee Smith c/o Doran Smith
UNKNOWN	UNKNOWN
Estate of Ernan H. Smith, Heirs of Renee Smith c/o Lance Smith	Estate of Ernan H. Smith, Heirs of Renee Smith c/o Carlan Smith
UNKNOWN	UNKNOWN
Estate of Ernan H. Smith, Heirs of Renee Smith c/o Merrilee Smith	Estate of Ernan H. Smith, Heirs of Renee Smith c/o Rawlo Smith
UNKNOWN	UNKNOWN
Estate of Henry A. Smith c/o Deril Smith 1616 W. Paradise Lane Salt Lake City, UT 84123	Estate of Ruth Doxey c/o Carolyn Olsen
Estate of Ruth Doxey c/o Tom Walker	UNKNOWN
UNKNOWN	Estate of Ruth Doxey c/o Wayne Walker 1576 Evergreen Hill S.W. Calgary AB T2Y 2R7 Canada <b>[Address updated 2/24/2014]</b>
Estate of Zola T. Rhodes c/o David Rhodes	Estate of Zola T. Rhodes c/o Peggy Rhodes
UNKNOWN	UNKNOWN
Estate of Zola T. Rhodes c/o Daniel Rhodes	Estate of Zola T. Rhodes c/o Doug Rhodes
UNKNOWN	UNKNOWN
Estate of Zola T. Rhodes c/o Nancy Rhodes	Frances Sam, Indiv & Heir to Joseph Sam Estate 83 CR 317 Oxford, MS 38655
UNKNOWN	

Frederick H. Blechmann & Clarice E.  
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Emmy Blechmann  
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**[Undeliverable 3/12/14]**

John Walker  
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June J. Anderson  
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Harriet Sam  
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**[Deceased]**

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James E. Anderson  
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Jesse Pederson, IND & TRE  
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**[Undeliverable]**

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Kihmn Carter  
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[Undeliverable ]

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[Address Updated 2/27/14]

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Whitney, TX 76692

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Telitha H. Giesler  
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Salt Lake City, UT 84103

The Restated Mary K. Zackrison Inter Vivos  
Trust dated 10/30/00  
Mary K. Zackrison, Trustee  
895 South Donner Circle # C  
Salt Lake City, UT 84108

Tyler Yost  
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Alice Wilcox  
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Alvina Hulbert Horton  
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Angela Rose Beltran  
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Annette Kirk Horman  
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Bennie L. Scholes  
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Bertha Dean Fairbanks  
(no valid address disclosed)

Beverly Stern  
Jacqueline Roberts, AIF  
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Allison Kirk Dale  
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The Woodlands, TX 77380

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Portland, OR 97230

BIA Uintah and Ouray Agency  
To-Put-Che-Ar 687 Unc 200-C BIA 6244  
Poker Jack 687 MUNC561 BIA 5968  
J. Yumputs 687 MUNC539 BIA 5996  
Arrappo Heirs 687 MUNC175-C BIA 6177  
Arrappo 687 MUNC 208 BIA 5941  
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Carle A. Linke  
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Buena Vista, CO 81211

Heirs or Devisees of  
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c/o Mitzi Netelbeck  
6306 S Jamestown Court  
Salt Lake City, UT 84121  
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Cathy Schumacher  
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Christina Shavaux Shepard  
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Glen A. Snyder  
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Spanish Fork, UT 84660-2726

Gwen Funk Goodrich  
Craig Funk, POA  
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Heirs to the Estate of Steven Hullinger  
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Adam Lorr Celaya  
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Jason Wayne Celaya  
Heir of Varge Celaya  
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American Fork, UT 84003

Jillian Celaya Harding  
Heir of Varge Celaya  
436 E. Blaine Ave.  
Salt Lake City, UT 84115

Lisa Celaya Prewett  
Heir of Varge Celaya  
120 Juniper Ave.  
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James Dean Fairbanks  
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Beckley, WV 25801

Jennie Lynn Romney  
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Beaumont, CA 92223

James W. Miller  
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Heirs of Daniel Wollum  
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Heir of Marjorie Iverson  
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Heir of Varge Celaya  
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Riverton, UT 84065

Jessica Celaya Roberts  
Heir of Varge Celaya  
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Highland, UT 84003

Lance Martin Celaya  
Heir of Varge Celaya  
9600 Forest Lane, #1102  
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Varge Anthony George Celaya  
Heir of Varge Celaya  
29 Corbett Ct.  
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[Address updated 4/18/2014]

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Julie Ann McManis  
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[Address updated 3/28/2014]

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**[Address updated 4/16/2014]**

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Lands Administration  
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*Julie Ann Carter*